

**THIS ORDER IS SIGNED AND ENTERED.**



**Dated: December 10, 2010**

**Hon. Robert D. Martin**  
**United States Bankruptcy Judge**

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**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN**

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In re: Chapter 13

Delbert William Karns and  
Ruth A. Karns,

Case No. 10-17118-RDM

Debtors.

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Delbert William Karns and  
Ruth A. Karns,

Plaintiffs,

v.

Adversary Case No. 10-00314

Capital One Home Loans, LLC,  
Mortgage Electronic Registration  
Systems, Inc., and GMAC Mortgage, LLC

Defendant.

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**ORDER APPROVING STIPULATION RESOLVING ADVERSARY PROCEEDING**

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**Drafted by:**

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Gray & Associates, L.L.P. is attempting to collect a debt on its client's behalf and any information it obtains will be used for that purpose. If you previously received a discharge in a chapter 7 bankruptcy case, this should not be construed as an attempt to hold you personally liable for the debt.

Pursuant to the stipulation by and between the plaintiff and GMAC Mortgage, LLC, with respect to the property located at 410 Frost Woods Road, Monona, Wisconsin and upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the defendant may file an unsecured claim for its outstanding loan balance as of the date of this order's entry and said unsecured claim shall be paid *pro rata* with the other timely-filed unsecured claims.

IT IS FURTHER ORDERED that upon the issuance of a discharge, counsel for the plaintiff shall serve a copy of the discharge on counsel for the defendant. The defendant shall then release its mortgage.

IT IS FURTHER ORDERED that in the event the holder of a senior mortgage upon the plaintiffs' real estate forecloses its mortgage and thereby extinguishes the defendant's mortgage prior to the plaintiffs' completion of their plan and receipt of a discharge, the defendant's lien shall attach to any surplus proceeds from the foreclosure sale for the full amount of the remaining loan balance.

IT IS FURTHER ORDERED that in the event the plaintiffs' bankruptcy case is dismissed or converted prior to the issuance of a discharge, any order entered in this adversary proceeding avoiding the defendant's lien will be null and void and the defendant's mortgage will remain fully enforceable against the plaintiffs' real estate.

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